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No. 241] NEW DELHI, TUESDAY, MAY 14, 1957/VAISAKHA 24, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 9th May, 1957

S.R.O. 1519.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 117 of 1957, presented to the Commission on the 18th April, 1957 under section 81 of the said Act, by Shrimati Gurcharan Kaur (Maharani of Nabha), 25/C, Diplomatic Enclave, Railway Colony, New Delhi calling in question the election to the House of the People from the New Delhi constituency of that House of Shrimati Sucheta Kriplani, 30, Prithvi Raj Road, New Delhi.

Presented to me by Shrimati Gurcharan Kaur whose signature has been obtained in the margin and attested as having been signed before me this the eighteenth day of April One Thousand Nine Hundred and Fifty Seven.

(Sd.) DIN DAYAL, 18-4-57.

Under Secy.

Election Commission, India.

(Sd.) GURCHARAN KAUR, 18-4-57.

Attested,

(Sd.)—DIN DAYAL, 18-4-57.

ELECTION PETITION No. 117 of 1957

THE ELECTION COMMISSIONER, INDIA, NEW DELHI.

Shrimati Gurcharan Kaur (Maharani of Nabha) 25/C, Diplomatic Enclave, Railway Colony, New Delhi.....Petitioner.

Versus

Shrimati Sucheta Kriplani, 30, Prithvi Raj Road, New Delhi—Respondent

Election Petition under section 80 of the Representation of the People Act, 1951 and all other provisions of the said enabling in this behalf for setting aside the Election of the respondent and for declaration that it is void.

The humble petition of the petitioner above named

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner, Respondent and three others namely Mr. C. P. Agarwal, Mr. Bal Raj Madhok and Shrimati Manmohani Sehgal (in all five) were contesting

candidates for election to the Lok Sabha (House of the People) from the New Delhi Parliamentary Constituency No. 394, during the elections held in March, 1957.

2. As there was no notice of withdrawal of candidature under Section 37 of the Representation of the People Act, 1951, the names of the aforesaid five contesting candidates were duly published by the Returning Officer under Section 38 of the Act, on the 4th February, 1957.

3. (a) That the petitioner did not give notice of retirement from the contest at the aforesaid election to the Returning Officer as required by Section 55A, of the Representation of People Act, 1951, Form 12, Rule 16 of "The People (Conduct of Elections and Election Petition) Rules 1956."

(b) That if any such notice of Retirement had been given the Returning Officer had to affix a copy of the notice to his notice board, to supply it to each of the remaining contesting candidates and had to publish the same in the official Gazette under Rule 16 *Supra*. Such a contingency did not arise so far so the petitioner was concerned.

4. That Smt. Manmohni Sehgal, one of the contesting candidates gave notice of the retirement from the contest at the above election on the 19th February, 1957 under Rule 16 of the Representation of People (Conduct of Elections and Election Petitions) Rules, 1956 to the Returning Officer, New Delhi Constituency which was published in the Gazette of India Extraordinary Part II, Section 3 on 21st February, 1957, S.R.C. 579-A.

5. That the Polls took place in all the Polling Stations in the said Constituency on the 3rd March, 1957.

6. That the Respondent was declared elected to the Lok Sabha (House of the People) on 5th March, 1957.

7. That the contesting candidates at the election obtained the following votes:—

- (i) Sucheta Kriplani, Respondent 76,540
- (ii) Gurcharan Kaur, Petitioner (Independent) . . 3,771
- (iii) C. P. Agarwal (Independent) 877
- (iv) Bal Raj Madhok (Jan Sangh) 22,726

out of 192, 684 total votes, 104,161 had been polled.

8. (a) That amongst the contesting candidates Smt. Sucheta Kriplani was contesting election on Congress Ticket. She was nominee of the Congress Party in India in this election. During the previous Parliamentary Election of 1951 she was a nominee of Praja Socialist Party and defeated Smt. Manmohni Sehgal who was a Congress nominee. Her Election was challenged and the Election Tribunal, Delhi declared her (Smt. Sucheta Kriplani's) election void on the ground of commission of corrupt practices and she was declared to be disqualified. Although for the last five/six years she had been carrying on rigorous propaganda against the Congress, she was adopted by the Congress Party as its nominee just a few days before the last General Election. As she had lost all influence over the masses and hold amongst the refugees she took refuge in the Congress to strengthen her position.

(b) That Smt. Manmohni Sehgal was zealous worker of the Congress Party for the last 30 years and had been sent to jail on account of her work in the Congress. As she was refused Congress Ticket she filed her nomination papers as an Independent Candidate. The Congress High Command took disciplinary action against Smt. Manmohni Sehgal and expelled her from the Primary membership of the Congress Party along with those Congressmen who supported her.

(c) That although Acharya J. B. Kriplani, the husband of the Respondent is a Praja Socialist Party leader, and she also belonged to the same party the Congress High Command only to win over the opposition adopted this tactics and gave Congress ticket to the Respondent.

(d) That the Petitioner in her message to the Press Conference on the 22nd February, 1957 issued as a manifesto as follows:—

"I stand for a sound and healthy Democracy in India ensuring true practice of Secularism and Social Justice in the country and proper representation ensuring political rights of all component parts of the Democratic Republic.

Since Democracy cannot and does not function properly without a strong and healthy opposition, I have therefore, taken upon myself to build a strong and healthy opposition in the Parliament of India.

I have also taken up as a matter of duty the cause of the Refugees, who do not find any representation and have been ignored by the secular ruling party. I am also deeply interested in improving the lot of the economically oppressed and depressed sections in the Public as well as in the Government Services. In fact, I stated for fair play and justice for every one and for the General Welfare of all for the progress and prosperity of India."

9. That the election of Respondent is void inasmuch as the following corrupt practices were committed by or with her consent or in the interest of the Respondent:

(a) That the Respondent, her agents and other persons with the connivance and consent of the Respondent or her Election agent published statement in Urdu Daily Newspaper 'Milap' and orally through the agents or canvassers, of facts which were false and which they believed to be false or did not believe to be true in relation to the alleged withdrawal or retirement from contest of petitioner, being a statement reasonably calculated to prejudice the prospects of the Petitioner's election. Full particulars of the Corrupt Practices falling under Section 123(4) Representation of People Act are set out in Annexure 'A' attached to the Petition be read as part of it.

(b) That in pursuance of the said policy of eliminating the opposition, and to ensure the success of the Congress Candidate, Congress started vigorous propaganda in favour of the respondent in Delhi, so much so that the Election Campaign was started by the Delhi State Congress Committee in the month of February, 1957. Shri Jawahar Lal Nehru, Prime Minister of India addressed a mammoth meeting of the citizens of capital of India at the Ramila Ground, Delhi in favour of the respondent and other congress candidates. Shri Jawahar Lal Nehru, who wields a stupendous power in India both as Prime Minister and acknowledged Congress Leader, sent for Smt. Manmohini Sehgal on the evening of Tuesday, the 12th February, 1957 at his residence through General Secretary of the Congress Party and exercised undue influence either with the consent of the respondent or in her interest on her (Smt. Manmohini Sehgal). This undue influence took the form of coercing Smt. Manmohini Sehgal to retire from the contest. The full particulars of this corrupt practice falling under Section 123(2) of the Representation of People Act, 1951 are set out in the Annexure 'B', attached to this petition which may be read as part of it.

(c) That the Respondent through her agents and other persons interested in her success, issued a false statement in a daily news paper 'Milap' of New Delhi, and orally throughout the Constituency that she (Smt. Sucheta Kriplani) was going to be a Minister in the forth coming Union Cabinet and that she would be allotted the portfolio of Rehabilitation and that the Congress High Command has approved of it. This statement of facts was false to the knowledge of the Respondent and her agents and which they either believed to be false or did not believe to be true, and this statement was reasonably calculated to prejudice the prospects of the Election of the Petitioner inasmuch as thousands of refugees who had promised full support to the petitioner went over to the respondent and presented her (the respondent) purses containing money. Full particulars of this corrupt practice are mentioned in the Annexure 'C' attached to this petitioner, which may be read as part of this.

(d) That the respondent, either herself or by her Election Agents did not keep correct accounts of all the expenditure in connection with the election incurred or authorised by her or by her election agents between the date of the publication of the Notification calling the Election and the date declaration of the result thereof i.e. 5th March, 1957. That the total of expenditure incurred by the Respondent exceeds the amount prescribed for the New Delhi Parliamentary Constituency. The full particulars of this corrupt practice falling under Section 123 (6) of the Representation of the People Act, 1951, are set out in Annexure 'D' attached to this petition which may be read as a part of this petition.

10. That a large number of unauthorised Ballot Papers were found with the Congress Party of which the Respondent was a nominee, a few days before the General Election and were being distributed to the congress workers. This matter

was brought to the notice of the Election Commission and some unauthorised Ballot Papers were handed over to the Election Commission. When called upon by 'Pratap' a daily Urdu Newspaper of Delhi to explain such a mal practice, the Election Commission Officer who went to Pratap's Office tried to cover up this wilful commission of illegality and apparent partiality of the Congress Government (which is a Ruling Party in India), the Election Commission Officer sought to take refuge on the untenable plea that those Ballot Papers were of the last General Election of 1951. And again when the said newspaper and other persons brought it to the notice of the Government that the Ballot Papers of the General Election of 1951 had been destroyed and to explain the Government's conduct in this behalf the Government could not give any other explanation. From this it is crystal clear that the Congress Party was in possession of a large number of unauthorised Ballot Papers before the date of the Polling to help its candidates in the Election. It cannot be ascertained, how many thousands of such unauthorised Ballot Papers have been used during the General Election. Although it is a fact that a large number of such Ballot Papers have actually been in their possession. This has materially affected the result of the Election. Further it is clear that the Election had not been a fair election. Copy of "Pratap" Daily Newspaper of New Delhi dated 28th February, 1957 is enclosed and marked Ex. PG.

11. That corrupt practices, irregularities and illegalities mentioned above have deprived the petitioner of a very large number of votes which she would have secured but for the said corrupt practices, irregularities and illegalities.

12. That but for the false statement of the respondent and her agents or by persons interested in her and corrupt or illegal practices and irregularities, the petitioner would have obtained a majority of votes. The result of the election has been materially affected thereby.

13. That the petitioner had an immense influence in the New Delhi Parliamentary Constituency and would have obtained the largest number of votes but for the corrupt practice and illegal practice mentioned above. The following are some of the circumstances favouring and strengthening petitioner's position amongst the electors of this Constituency:—

- (a) That the petitioner's husband Maharaja Repudaman Singh, Ruler of erstwhile State of Nabha, was a staunch supporter of the Congress during the Non-Cooperative Movement started by the Congress about the year 1921. The Maharaja Sahib was helping the Congress Organisation through and through. He incurred the displeasure of the British Government which was anti-congress. For helping the Congress and the National Cause, he was deposed and subsequently detained as a detainee under Bengal Regulation III, 1818. The whole Sikh nation backed petitioner's husband in restoring him to his Gaddi. A strong agitation was launched and hundreds of people were killed in the firing by the British Government at Jaito, now in the Punjab State. The petitioner and her family is held in highest esteem not only amongst the sikhs but amongst the other communities as well, on account of the past suffering for the political and national cause. This is a unique and unparelled example of supreme sacrifice by the petitioner's family and at the alter of National Movement in order to secure Independence of India. The electors of this Constituency had promised full support to the petitioner.
- (b) That the petitioner herself had been taking part in the social, economic and political activities of the people and was popular amongst the electorate of this Constituency.
- (c) That almost all the Sikhs electors in this Constituency who number several thousands had promised full support to the petitioner during this election. Master Tara Singh and other acknowledged leaders of Sikhs had issued statements supporting petitioner's candidature.
- (d) That several thousands of electors individually and in groups expressed their surprise and resentment at the fact that the petitioner had withdrawn from the election contest. This was the obvious result of the false statement and false propaganda carried on by the respondent and her agents that the petitioner had withdrawn from the contest and that the Petitioner was supporting the candidature of the respondent. But for this false statement the petitioner would have got majority of votes.
- (e) That the President of Refugee Sabha issued statements in Petitioner's favour.

14. That the Treasury Receipt, that a sum of Rs. 1,000 has been deposited by the Petitioner in the Reserve Bank of India, New Delhi, as security for the costs of this petition is attached herewith:—

The Petitioner, therefore, prays that the Election of the Respondent may be declared as void and be set aside and the costs of this proceeding may be awarded to the petitioner against the respondent. It is further prayed that any person or persons found to have committed any corrupt practice may be disqualified from the membership of Parliament and of the Legislature of every State under Section 140 Representation of People Act, 1951 for a period of 6 years.

Gurcharan Kaur,
Maharani of Nabha,
Petitioner.

THROUGH

SHRI DAULAT RAM PREM,
Senior Advocate,
Supreme Court of India.

Verification

I, Gurcharan Kaur the Petitioner declare that the contents of paras 1 to 9 and 13, 14 are true to my personal knowledge and contents of remaining paras are true according to the information received and believed to be correct by me.

(Gurcharan Kaur),

NEW DELHI;
Dated the 18th April, 1957.

ANNEXURE 'A'

Smt. Gurcharan Kaur.....Petitioner.

Versus

Shrimati Sucheta Kriplani.....Respondent

Regarding Para 9(a) of the Petition, Petitioner submits as under:

1. That Shri Ranbir, Editor 'Milap'—wellknown daily Urdu paper, with a good circulation in Delhi, New Delhi and Northern India—was acting as the canvassing agent of the Respondent.

2. That Shri Ranbir carried on election propaganda in favour of the Respondent both from the Platform and through his Newspaper—'Milap'.

3. That on 24th February, 1957, Shri Ranbir addressed an election meeting for 1½ hours at Purana Qilla Market, Presided over by Sardar Nanak Singh, in favour of the Respondent. The meeting was also addressed by Shri Amar Nath Dani, agent of the Respondent and by Respondent herself.

4. That the account of the Proceedings of the said meeting was reported in 'Milap' dated 25th February, 1957, under the signature of Shri Ranbir. The copy of Milap dated 25th February, 1957 is attached herewith and Marked Ex. PA.

5. That again in Milap dated 27th February, 1957, Shri Ranbir carried on propaganda through his paper Milap in favour of the Respondent and wrote an article under his signature wherein he stated about the Respondent that there is no better candidate than Sucheta Kriplani whether a Congress man or a non-congressman. The copy of 'Milap' dated 27th February, 1957 is enclosed herewith and marked Ex. PB.

6. That one day before Polling, in his newspaper Milap dated 2nd March, 1957, Shri Ranbir, Editor, with the consent or connivance of the Respondent or her Election agent and in her interest published a statement of fact which is false, and which he either believed to be false or did not believe to be true, in relation to petitioner's retirement from contest, being a statement reasonably calculated to prejudice the prospects of the Petitioner's Election. The heading of this false statement in Milap is—

"RETIREMENT (WITHDRAWAL) OF MAHARANI GURCHARAN KAUR
IN FAVOUR OF SHRIMATI SUCHETA KRIPLANI".

and the Sub-heading was "Utter defeat of Jan Sangh Candidate is sure—Shri Agarwal will also retire from the contest." This was a news item dated 1st March

from New Delhi from a "reliable source" to the effect that Maharani Gurcharan Kaur of Nabha has decided to withdraw (retire) in favour of Shrimati Sucheta Kriplani, Congress Candidate.... that Maharani Gurcharan Kaur would make speeches in favour of Shrimati Sucheta Kriplani next day (2nd March 1957) and exhort people to vote for Congress.

7. That the spread of the false news of the retirement from election contest of the petitioner by the Respondent and her Election agent through 'Milap' and through her agents and workers throughout the Constituency on 2nd March, 1957 and on the morning of the 3rd March 1957 at all the Polling Stations, which brighted all chances of the Petitioner in the election. This false statement was intentionally issued, as a part of deep set conspiracy, to defeat the petitioner and to get respondent elected by the Commission of Corrupt Practice.

8. That in the above issue of 'Milap' dated 2nd March, 1957, in pursuance of the aforesaid conspiracy, a false statement was issued to the effect "Shri C. P. Agarwal will also retire in favour of Shrimati Sucheta, and consequently the defeat of Jan Sangh candidate will be a certainty." This statement regarding the retirement of Shri C. P. Agarwal was also false reasonably calculated to prejudice the prospects of the Election in the said Constituency.

The copy of Milap dated 2nd March, 1957 is enclosed herewith and is marked Ex. PC.

9. That on coming to know about the abovementioned false statement of fact from Milap newspaper, on the 2nd March, 1957, the Petitioner at once contacted the 'Milap' newspaper authorities and apprised them that the statement was utterly false, baseless and mischievous calculated to prejudice her election. The petitioner sent Telegrams to (i) Editor, Milap, (ii) President of India, and (iii) Election Commissioner to the following effect:

"Reference news item in Milap dated 2nd March, 1957, with regard to my withdrawal from the election absolutely false (stop) I am contesting the Lok Sabha seat stop publish contradiction immediately stop reserve taking legal action as advised stop disclose at once the source of your information stop incalculable harm already done by your publishing this news.

Maharani Gurcharan Kaur."

The copy of Telegram is enclosed herewith and marked Ex. P-D.

10 That 2nd March, being Saturday and generally reserved as half holiday, it was to difficult to bring out posters and distribute them throughout the constituency which is a very big one covering several square miles to counteract the harm done to the prospects of the petitioner's election by the aforesaid false statement.

11. That on 3rd March, 1957, 'Milap' published a contradiction "Maharani Gurcharan Kaur is contesting as before. There is no truth in the news about her retirement". The newspaper further said, "We received information that Maharani Gurcharan Kaur went to see Smt. Sucheta Kriplani on the basis of this misunderstanding was caused and with regard to her a false news was published in these columns." The copy of Milap dated 3rd March, 1957 is enclosed herewith and marked Ex. P-E. It is also wrong that Petitioner went to Respondent.

12. On the same page the Editor published a news item under the caption, "Shrimati Kriplani will be a Union Minister".

Gurcharan Kaur, Petitioner.

Verification

I, Gurcharan Kaur the petitioner declare that the contents of paras 1 to 12 are true to my knowledge and belief

Gurcharan Kaur.

NEW DELHI:
Dated the 18th April, 1957.

ANNEXURE 'B'

Gurcharan Kaur.....V.....Sucheta Kriplani
Regarding para 9(b) of the Petition the Petitioner States as under:—

1. That Shrimati Manmohni Sehgal was the Congress nominee during the General Election of 1951 and was defeated by the Respondent who was nominee

of Praja Socialist Party of India. At the behest of the Congress Shrimati Manmohni Sehgal filed the election petition, the hearing of which lasted about 5 years and Respondent's election was set aside. But Congress for reasons best known to it, gave the congress ticket to Respondent, although she had been maligning Congress bitterly. As a protest against this injustice Shrimati Manmohni Sehgal filed nomination paper as an independent candidate.

2. That the Congress taking a disciplinary action, expelled Shrimati Manmohni Sehgal from its organization along with those who sided with her.

3. That on 12th February, 1957 in the evening Shri Jawahar Lal Nehru, the Prime Minister of India, sent for Shrimati Manmohni Sehgal to his residence and exercised undue influence on her to withdraw from the election contest.

4. That her husband is a Government servant working in the Central Secretariat. She (Shrimati Manmohni Sehgal) had the best interest of her husband at heart. Moreover, she gets pecuniary gain from the Government.

5. That in consequence she withdrew from the contest and was prevailed upon to desist from exercising her electoral right.

6. That the fact of her retirement from contest appeared in all the newspapers and she issued a statement to the Press "In my Press Conference..... Supreme Leader". Copy of Times of India dated the 14th February, 1957 is attached herewith and marked Ex. P.F.

Gurcharan Kaur, *Petitioner.*

Verification

I, Gurcharan Kaur, the petitioner declare that the contents of paras 1 to 6 are true to my information and belief.

Gurcharan Kaur.

NEW DELHI;

Dated the 18th April, 1957

ANNEXURE 'C'

Gurcharan Kaur, *Petitioner*...V.... Sucheta Kriplani, *Respondent*

With regard to Para 9(c) of the Petition, the Petitioner submits as under:

1. That from 28th February, 1957 upto the date of the Polling the Respondent, herself and through her agents had been carrying on a false propaganda and publishing false statements throughout the Constituency that Respondent Sucheta Kriplani has been designated as Union Minister and will be incharge of Rehabilitation. This statement of fact which is false and which she believed to be false greatly prejudiced the prospects of Petitioner's election.

2. That Shri Gopal Singh Quami, President of the Bharat Refugee Sabha issued a statement supporting petitioner's candidature. Several thousands of refugees had promised help and support to the Petitioner, and many were working for the Petitioner.

3. That on account of aforesaid false statement of Respondent being appointed as Union Minister of Rehabilitation, a number of Refugees in order to safeguard their personal interest, in or about the last week of February 1957, presented purses containing cash to the Respondent.

4. That the Editor 'Milap' inserted a news item in the issue of 3rd March, 1957 (on the date of Polling) to the effect that "Shrimati Kriplani will be Union Minister".

The copy of the News paper has already been marked as Ex. PC.

5. That Respondent had to adopt this tactics of publishing a false statement of fact that she had been designated as a Union Minister for Rehabilitation for the reasons that in a large number of her Election Meetings during February, 1957, in various places in the Constituency she was severely questioned by the refugees and by the public. She could not give any satisfactory answer with the result that her election meetings ended in confusion and chaos. Somuchso, that in Paharganj, Lajpat Nagar and other places the Respondent was not permitted to speak. Realizing that her position amongst the electors and more especially amongst the refugees had become very shaky she falsely gave it out that she had been designated as Union Minister for Rehabilitation.

Gurcharan Kaur, *Petitioner.*

Verification

I, Gurcharan Kaur, the petitioner declare that the content of paras 1 to 5 are true to my information and belief and are based on facts.

Gurcharan Kaur.

NEW DELHI;
Dated the 18th April, 1957

ANNEXURE 'D'

Gurcharan Kaur, V. Sucheta Kriplani.

With regard to Para 9(d) of the Petition, the Petitioner submit as under:

1. That the Respondent and her election Agent did not keep correct account of the income and expenditure of the election
2. That Respondent was presented purses containing cash from refugees and she has not shown it in the election return
3. That the Respondent had engaged Counsel on the date of Scrutiny to appear before the Returning Officer, but she has not shown the expenditure.
4. That the Respondent has far exceeded the limit of expenses authorized for the Constituency under the Act, and has, therefore, committed the Corrupt Practice as defined in Section 123(6) of the Representation of People Act

Gurcharan Kaur, *Petitioner.*

Verification

I, Gurcharan Kaur, the petitioner declare that the contents of paras 1 to 4 are to my information and belief and are based on facts.

Gurcharan Kaur, *Petitioner.*

NEW DELHI,
Dated the 18th April, 1957.

Ex PA to Ex PG being mostly in the regional language and having considered not to be a part of the petition are not published

[No. 82/117/57.]

By order,
DIN DAYAL, Under Secy.